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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,785

12/02/2005

Innocente Marchante Moreno

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06/21/2007

OLIFF & BERRIDGE, PLC

P.O. BOX 19928

ALEXANDRIA, VA 22320

EXAMINER

VANATTA, AMY B

ART UNIT

PAPER NUMBER

3765

MAIL DATE

DELIVERY MODE

06/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,785

Applicant(s)

MARCHANTE MORENO ET AL.

Examiner

Amy B. Vanatta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>120205</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rendered indefinite by the recitation in line 2 "of the kind that use", since the term "use" in this context is not precise. It is unclear whether this "use" means that the item used (i.e. grippers) are actually being recited as forming a part of the drawing system.

In claim 1, line 5, the recitation of sprockets of "large" diameter renders the claim indefinite because the metes and bounds of the term "large" is not ascertainable, since the term is a relative term comparing the size of the claimed sprockets to those of the prior art.

Claim 1 recites "the front end" (line 5), "the outbound strand" (line 6), "the rear end" (line 6), and "the return strand"(lines 6-7) without proper antecedent basis.

In claim 3, the sprockets at "the entry" and at "the exit" are confusing, since it is unclear how these relate to the sprockets previously recited in terms of being at the front end of the outbound strand and the rear end of the return strand. Likewise in claim 8.

In claim 4, line 2, "particularly as claimed in claim 1" renders the claim indefinite since it is not clear whether the claim is positively encompassing all of claim 1 and does not conform to standard U.S. practice. It is suggested that "particularly" be deleted. Likewise in claims 9 and 10.

In claim 5, lines 3-4, the recitation "relatively small diameter" renders the claim indefinite because the metes and bounds of the term "relatively small" is not ascertainable. It is suggested that the diameter size be recited relative to other recited elements, for example "having a diameter smaller than that of 'x' ".

In claim 5, lines 4-5, "the sprocket concerned" renders the claim indefinite since it is unclear to which sprocket this refers.

Claim 6 recites "the output shaft" without proper antecedent basis.

In claim 7, the recitation "relatively small size" renders the claim indefinite because the metes and bounds of the term "relatively small" is not ascertainable. Also, it is unclear relative to what this size is regarded as small.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Stanislaw et al (US 5,255,419).

Stanislaw discloses a drive device for a transverse drawing system as claimed, including tenter rails 32 and 34 having endless chains carrying pin plates 48 which form "grippers" as claimed (col. 7, lines 26-35 and Fig. 3). The device comprises two drive sprockets for driving each chain, including a drive sprocket at the front end and a drive sprocket at the rear end of the chain (see sprockets 46a,46b and 52a,52b; Fig. 3). The drive sprockets are of "large diameter" to the extent claimed, since they are large in comparison to smaller sprockets. Motorized drive means 54a, 54b, 50a, and 50b are associated with the sprockets and are synchronized as claimed. The drive means includes a motor for each sprocket (col. 7, line 60 through col. 8, line 5). The motors for the two associated chain sprockets are synchronized in terms of speed such that the endless chain can run its course around the sprockets. The motors are controlled by a fault circuit which is associated with all of the sprocket drive motors and the operation of the motors is monitored by a computer (col. 8, lines 34-39). Thus, the sprocket motors are feedback controlled electric motors. The torque is clearly divided relatively equally between the front and rear drive sprockets, as in claim 3.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Richter (US 4,497,096).

Richter discloses a drive device for a transverse drawing system as claimed, including rails having endless chains (25,26) carrying "grippers" (clips 27); col. 4, lines 29-47 and Fig. 2. The device comprises two drive sprockets for driving each chain, including a drive sprocket at the front end and a drive sprocket at the rear end of the

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chain (see sprockets 23, 24, 28, 29). The drive sprockets are of "large diameter" to the extent claimed, since they are large in comparison to smaller sprockets. Motorized drive means are associated with the sprockets and are synchronized as claimed. That is, motor A drives sprockets 23 and 24, while one of the two motors "B" drives sprocket 28 and the other motor "B" drives sprocket 29 (see Fig. 2 and col. 4, lines 32-44 and 48-53).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanislaw et al (US 5,255,419).

Regarding claim 2, Stanislaw discloses a drive device for a transverse drawing system as claimed, including drive sprockets 46a, 46b, 52a, and 52b. Although Stanislaw does not disclose the diameter of the drive sprockets, Stanislaw does disclose that the material being processed is large and thus the apparatus for treating the material must also be large (col. 2, lines 64-67; col. 3, lines 7-11 and 17-20). Stanislaw discloses various considerations associated with these finishing machines due to their large size (col. 2, lines 64-67; col. 3, lines 1-21). Thus, Stanislaw recognizes that the machines are large; hence, the sprockets would also be large. It is

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within the ordinary skill in the art, through routine experimentation, to determine the optimal size for the sprockets based upon various considerations such as the dimensions of the material to be treated, the processing speed, the amount of drawing to be performed, and the size of the chain. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use sprockets having a diameter greater than 1.5 meters in the apparatus of Stanislaw, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable range involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Regarding claim 8, as set forth in the rejection above, Stanislaw discloses two drive sprockets for driving each chain, including a drive sprocket at the front end and a drive sprocket at the rear end of the chain (see sprockets 46a,46b and 52a,52b; Fig. 3). Motorized drive means 54a, 54b, 50a, and 50b are associated with the sprockets and are synchronized as claimed. The drive means includes a motor for each sprocket (col. 7, line 60 through col. 8, line 5). The motors for the two associated chain sprockets are synchronized in terms of speed such that the endless chain can run its course around the sprockets. The motors are controlled by a fault circuit which is associated with all of the sprocket drive motors and the operation of the motors is monitored by a computer (col. 8, lines 34-39). Thus, the sprocket motors are feedback controlled electric motors. The torque is clearly divided relatively equally between the front and rear drive sprockets, as claimed.

Allowable Subject Matter

8. Claims 4-7, 9, and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

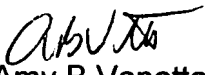
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy B. Vanatta whose telephone number is 571-272-4995. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on 571-272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Amy B Vanatta
Primary Examiner
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